

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JESSE BISHOP,

Plaintiff,

13-CV-8049 (NRB)

-against-

**ANSWER**

LONG ISLAND RAILROAD COMPANY,

Defendant.  
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**S I R S :**

Defendant, The Long Island Rail Road Company ("LIRR"), by its attorney, CHRISTOPHER P. YODICE, answering the Complaint of plaintiff, alleges upon information and belief:

1. Admits each and every allegation contained in paragraph "FIRST" of the Complaint.
2. Denies each and every allegation contained in paragraph "SECOND" of the Complaint, except admits that the defendant is a Public benefit corporation engaged in interstate commerce by rail and operates a railroad system and railroad yards within the jurisdiction of this Court and in various other States.
3. Denies each and every allegation contained in paragraph "THIRD" of the Complaint, except admits that prior to August 20, 2012, and at all times hereinafter mentioned, the defendant employed the plaintiff as a signal inspector in furtherance of defendant's business in interstate commerce.
4. Denies each and every allegation contained in paragraph "FOURTH" of the Complaint and refers questions of law to the Court for determination.
5. Denies each and every allegation contained in paragraphs "FIFTH", "SIXTH" and "SEVENTH" of the Complaint.

**DEFENDANT, FURTHER ANSWERING AND FOR A FIRST,  
SEPARATE AND COMPLETE DEFENSE TO ALL CAUSES OF ACTION,  
IF ANY, ALLEGED IN THE COMPLAINT HEREIN, ALLEGES:**

6. Upon information and belief, that if the plaintiff was injured as is alleged in the complaint, he was so injured in whole or in part by reason of his own negligence and without any fault or any negligence

on the part of the defendants, their agents, servants and/or employees, and the defendants did not violate any statute or statutes enacted for the safety of its employees.

**DEFENDANT, FURTHER ANSWERING AND FOR A SECOND,  
SEPARATE AND COMPLETE DEFENSE TO ALL CAUSES OF ACTION,  
IF ANY, ALLEGED IN THE COMPLAINT HEREIN, ALLEGES:**

7. Plaintiff has failed, in his Complaint, to mitigate his alleged damages.

**WHEREFORE**, defendant, LONG ISLAND RAIL ROAD COMPANY, demands judgment dismissing the complaint herein together with costs and disbursements of this action.

Dated: Jamaica, New York  
December 10, 2013

**RICHARD L. GANS, ESQ.**

Attorney for Defendant

BY: 

CHRISTOPHER P. YODICE (CPY9723)

LIRR Law Department - 1143

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(File No. TPA-0565 / MTACFI011334)

TO: **MARC T. WIETZKE, ESQ.**  
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